

ZONING COMMITTEE MINUTES

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, October 1, 2008** in Committee Room 2, at 11:30 a.m.

The following members were present:

The Honorable Natalyn Archibong, Vice Chair
The Honorable Howard Shook
The Honorable Carla Smith
The Honorable Joyce Sheperd
The Honorable Anne Fauver

The following members were absent:

The Honorable Ivory Lee Young, Jr., Chair
The Honorable C. T. Martin

Others present at the meeting were: Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorneys Peter Andrews and Jeffery Haymore, Law Department; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ADDING ONE PIECE OF LEGISLATION
- B. APPROVAL OF MINUTES - APPROVED
- C. ZRB SUMMARY REPORT
- D. ORDINANCES FOR SECOND READING

08-O-1009 (1)
CDP-08-22 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **1040 Grant Street**, from "Industrial" Land Use Designation to "Mixed Use" Land Use Designation; and for other purposes. **(Public Hearings held 6/9/08 and 9/8/08) (Favorable by CD/HR Committee 9/9/08) (Favorable by Zoning Committee 9/10/08) (Referred back by Full Council 9/15/08) (Held 10/1/08)**
NPU-W **Council District 1**

HELD

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D. ORDINANCES FOR SECOND READING (CONT'D)

08-O-0838 (2)
Z-08-20

An Ordinance by Councilmember Ivory L. Young, Jr. **as amended by Zoning Committee** to rezone from the I-1 (Light Industrial) District to the MRC-3-C (Mixed Residential-Commercial-Conditional) District, property located at **1040 Grant Street, SE**, fronting approximately 194.5 feet on the east side of Grant Street at the intersection of Grant Circle. **(Favorable by Zoning Committee 9/10/08) (Referred back by Full Council 9/15/08) (Held 10/1/08)**

Depth: Approximately 360 Feet
 Area: 1.57 Acres
 Land Lot: 42, 14th District, Fulton County, Georgia
 Owner: David S. Stith (for Grant Street Partners)
 Applicant: Caleb Racioct (for Grant Street Partners)

NPU-W Council District 1

HELD

08-O-1772 (3)
U-05-06

An Ordinance by Zoning Committee to amend Ordinance 05-O-0535 (U-05-06) as adopted by the City Council on July 5, 2005 and approved by the Mayor on July 12, 2005 approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **567 Hamilton Holmes, Drive, NW**; and for other purposes.

Councilmember Sheperd made a motion to approve. The vote was unanimous.

FAVORABALE

08-O-1773 (4)
U-74-26

An Ordinance by Zoning Committee to amend Ordinance 93-O-1524 (U-74-26) as adopted by the City Council on October 4, 1993 and approved by the Mayor on October 7, 1993 approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **1802 Hollywood Road, NW**; and for other purposes.

Councilmember Sheperd made a motion to approve. The vote was unanimous.

FAVORABALE

E. ORDINANCE FOR FIRST READING

Depth:	341 feet
Area:	Approximately 2.06 Acres
Land Lot	61, 17 th District, Fulton County, Georgia
Owner:	3126 Piedmont, LLC
Applicant:	3126 Piedmont, LLC
NPU-B	Council District 7

F. PAPERS HELD IN COMMITTEE

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0022 (3)
U-05-22

An Ordinance by Councilmember Carla Smith to issue a Special Use Permit for a Nursing Home at 1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue); to waive the 2,000 foot distance requirement for this location; and for other purposes. (Held 6/28/06 at the request of Councilmember of the District)

HELD

06-O-0955 (4)
Z-06-44

A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth: Varies
Area: Approximately 8.719 Acres
Land Lot: 55, 14th District, Fulton County, Georgia
Owner: Jack and Harvey Taffel
Applicant: Chaz E. Waters/Skyline Partners, LLC.
NPU-Y Council District 1

HELD

06-O-1927 (5) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0396 (6)
CDP-07-09 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **349 14th Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1st Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant)**
NPU-E **Council District 2**

HELD

07-O-0148 (7)
Z-06-138 An **Amended** Ordinance by Zoning Committee to rezone from the C-2 (Commercial Service) District to the MRC-3-C (Mixed Residential-Commercial Conditional) District, property located at **349 Fourteenth Street, NW**, fronting approximately 134 feet on the south side of 14th Street, at the southwest corner. **(Held 3/28/07 at the request of the applicant)**
Depth: Approximately 152 Feet
Area: Approximately 0.47 Acre
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Julian W. Rikard
Applicant: Michael Gamble
NPU-E **Council District 2**

HELD

06-O-1445 (8)
Z-06-74 An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**
Depth: Varies

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F. PAPERS HELD IN COMMITTEE (CONT'D)

Area: Approximately 27 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer
NPU-H **Council District 10**

HELD

06-O-2308 (9)
Z-06-113 An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20/07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet
Area: Approximately 0.861 Acre
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert T. Budd
Applicant: Kevin A. Ross
NPU-N **Council District 2**

HELD

06-O-1888 (10)
CDP-06-65 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)**

NPU-H **Council District 1**

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2594 (11) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

HELD

06-O-2697 (12) An Ordinance by Councilmember Carla Smith to amend
Z-06-144 Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. **(Held 1/30/08)**

HELD

08-O-1452 (13) An Ordinance by Councilmember Joyce Sheperd as
Z-08-55 **substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta by rezoning certain properties from C-1 (Community Business District)/BeltLine Overlay District, RLC (Residential Limited Commercial)/BeltLine Overlay District, and R-4 (Single-Family Residential)/BeltLine Overlay Districts within the Capitol View and Capitol View Manor Neighborhoods to the NC-9 Dill Avenue-Metropolitan Parkway Neighborhood Commercial District/BeltLine Overlay District; and for other purposes. **(Held 10/1/08)**

HELD

08-O-1453 (14) An Ordinance by Councilmember Joyce Sheperd as
Z-08-54 **substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta by rezoning certain properties from I-1 (Light Industrial)/BeltLine Overlay District, C-1 (Community Business)/BeltLine Overlay District, and R-4 (Single-Family Residential)/BeltLine Overlay Districts within the Capitol View Neighborhood to the NC-8 Dill Avenue-Sylvan Road Neighborhood Commercial District/BeltLine Overlay District; and for other purposes. **(Held 10/1/08)**

HELD

SUMMARY REPORT
October 1, 2008

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
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FAVORABLE

08-O-1450	Z-08-56	Tell River Subdivision and Riverchess Drive P-11	R-3 to R-4	Approval	Deferral	Approval
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Councilmember Sheperd made a motion to approve. The vote was unanimous.

**FAVORABLE ON
SUBSTITUTE**

08-O-0558	Z-08-24	1200 Kimberly Road, Parcel Number 14F0009 LL093, and 0 Kimberly Road, Parcel Number 14F 0029 LL014 P and Q-11	R-5 to RG-2	Approval	No Action Taken	Approval
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Councilmember Sheperd made a motion to approve. The vote was unanimous.

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G. ITEM NOT ON THE AGENDA

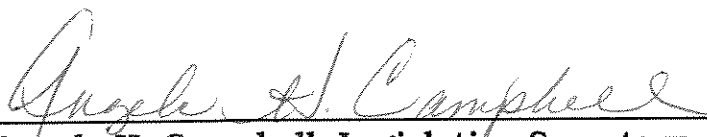
08-O-0552 (1) An Ordinance by Councilmembers Jim Maddox and Howard Shook to amend the Land Use Element of the City of Atlanta 2004 Comprehensive Development Plan (CDP) so as to designate property located at **1200 Kimberly Road, Parcel 14F 009 LL93 and 0 Kimberly Road, Parcel 14F 0029 LL014**, after its annexation into the City of Atlanta, as Low Density Residential; and for other purposes. **(Held 4/1/08)**
(Public Hearings held 6/09/08 and 9/8/08)

Councilmember Sheperd made a motion to approve. The vote was unanimous.

FAVORABLE

There being no further business to come before the Zoning Committee the meeting was adjourned at 11:40 a.m.

Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Natalyn M. Archibong, Vice Chair